



An  
Bord  
Pleanála

## Inspector's Report ABP-317619-23

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<b>Development</b>	To erect and 18m high telecommunications monopole structure and all associated site works.
<b>Location</b>	Ranalough (Td), Currow, Killarney, Co Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	23174
<b>Applicant(s)</b>	Vantage Towers Ltd
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Howard Jones
<b>Observer(s)</b>	Irish Aviation Authority
<b>Date of Site Inspection</b>	3 November 2023
<b>Inspector</b>	Claire McVeigh

## 1.0 Site Location and Description

- 1.1. The subject site is located within the townland of Ranalough, south of the village of Curnow and close to the eastern approach of the runway at Farranfore Airport in Kerry. The town of Castleisland is located approximately 7 kilometres to the north and Killarney is located approximately 12 kilometres to the south.
- 1.2. The landscape in the vicinity of the subject site is agricultural with some farmhouses, farmyards and one-off dwellings sited alongside the road. The site itself sits between the 100m and 110m contour associated with Currow Hill to the south. The site slopes downwards from the local road. A stream runs along the western boundary of the site.
- 1.3. Mature trees and hedgerows define the western edge of the subject site adjacent to the stream and the southeastern edge along the roadside also benefits from mature trees and hedgerow. An existing dwelling house is located within the northern portion of the site and is accessed via a separate entrance and includes a number of outbuildings. To the rear of this dwelling is a triangular shaped grassed field within which there are wires crossing from the proposed location of the telecommunications structure to a pole sitting adjacent to the site entrance. Across the road and close to the existing agricultural entrance there is a two-storey dwelling and to the west beyond the stream and laneway is a cluster of farm buildings, farmyard and single storey dwellings.

## 2.0 Proposed Development

- 2.1. The proposed development comprises a 18m high telecommunication monopole structure with antennas, dishes and associated telecoms equipment enclosed in security fencing with a hardstanding area of 64 sq. metres floor area. A new access track using the existing agricultural entrance is proposed along with the removal of the existing 10m high wooden telecommunications pole. The proposed access track is 74m in length and 3 metres wide with a proposed vehicle turning area of 64 sq. metres adjacent to the fenced off area surrounding the telecommunication structure.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority granted permission, subject to three conditions, relevant conditions are summarised as follows:

- Condition 1 Plans and Particulars.
- Condition 2 Requirement to allow co-location of antenna from other licensed mobile telecommunications operators.
- Condition 3 Requirement to remove the existing wooden pole and reinstate the site details to be agreed in writing with the planning authority at least one month prior to the removal of same.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The initial planners report can be summarised as follows:

- Further information required with respect to the ownership of the site, ground base elevation and total elevation of the proposed mast to assess impact on the safety of aircraft operations at Kerry Airport and a report detailing an assessment of the impact of the penetration of the Obstacle Surface Limitation (OSL) undertaken by an organisation approved by the IAA Safety Regulation Division. Applicant to consult with the IAA as competent authority for aviation.
- Notes the site is within a Visually Sensitive Area and that a submission was received raising concerns about the increased height in terms of visual impact.
- An AA screening assessment was carried out, no significant effects to the conservation status of any Natura 2000 site, and AA not required was concluded.
- EIA preliminary examination concluded no real likelihood of significant effect on the environment arising from the proposed development.

The final planners report recommends a grant of permission based upon the acceptability of the further information submitted. The monopole structure would not create an unacceptable visual impact and would not impact significantly on residential amenities of properties in the vicinity. Notes the receipt of a submission, following the receipt of the further information, from Kerry Airport recommending conditions to be attached in the event of a grant of permission. To impose conditions with respect to future changes in operation procedures deemed as unreasonable as no changes to operational procedures are identified in the Kerry Airport submission.

### 3.2.2. Other Technical Reports

None.

### 3.3. Prescribed Bodies

IAA (Safety Regulation Division, Aerodromes): The applicant should be requested to provide Kerry Airport the ground base elevation and total elevation of the proposed mast to allow for a preliminary screening to ensure there is no impact to the safety of aircraft operations at Kerry Airport.

### 3.4. Third Party Observations

**Howard Jones** on behalf of **Kerry Airport** objects to the proposed development, key points in summary are:

- From the information provided the structure will penetrate the obstacle limitation surface (OLS), in particular the inner horizontal surface, and no assessment has been undertaken to assess the impact of the development on the airport and its operations.
- The applicant should consult with the IAA as the competent authority for aviation relating to the proposed development.

**Siobhan Sugrue** raises concerns in respect to:

- the proximity of the structure, within approximately 10 metres from her front door, the height and location of the proposed mast will devalue her property,

- negative impact and would detract from the visual amenity of the area. The proposed structure,
- queries whether sufficient evidence of blackspots been provided, and
- possible health implications of such as structure in the immediate vicinity of dwelling houses and within metres of her home.

## 4.0 Planning History

031900 Outline permission granted for the construction of a dwelling with puraflo wastewater treatment unit and entrance (April 2004) Applicant Sean O’Sullivan.

00440 Retention of alterations and extension to dwelling house with ancillary works (July 2000) Applicant Sean and Pauline O’Sullivan.

031900 Retention of existing dwelling, garage and all auxiliary works (March 2004) Applicant Sean O’Sullivan.

## 5.0 Policy Context

### 5.1. Kerry County Development Plan 2022-2028

- 5.1.1. The subject site is located within a rural area under urban influence and a designated Visually Sensitive Area. These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area (excerpt of Paragraph 11.6.3.1).

The following provisions shall apply to development in Visually Sensitive Landscapes areas:

- There is no alternative location for the proposed development in areas outside of the designation.
- Individual proposals shall be designed sympathetically to the landscape and the existing structures and shall be sited so as not to have an adverse impact on the character, integrity and distinctiveness of the landscape or natural environment.

- Any proposal must be designed and sited so as to ensure that it is not unduly obtrusive. The onus is, therefore, on the applicant to avoid obtrusive locations. Existing site features including trees and hedgerows should be retained to screen the development.
- Any proposal will be subject to the Development Management requirements set out in this plan in relation to design, site size, drainage etc.
- The new structure shall be located adjacent to, or a suitable location as close as possible to, the existing farm structure or family home. Individual residential home units shall be designed sympathetically to the landscape, the existing structures and sited so as not to have an adverse impact on the character of the landscape or natural environment. Existing site features including trees and hedgerows shall be retained to form a part of a comprehensive landscaping scheme. Consideration must also be given to alternative locations.
- Extending development into unspoilt coastal areas is to be avoided.

5.1.2. **Paragraph 14.9 Digital Connectivity** and the following objectives:

**KCDP 14-71** Facilitate the sustainable delivery of high-speed, high-capacity digital and mobile infrastructure and support the continued investment and the delivery of ICT infrastructure, broadband networks and digital broadcasting in the County in line with the National Broadband Plan for Ireland.

**KCDP 14-73** Support the sustainable provision of modern and innovative telecommunications infrastructure at appropriate locations.

**KCDP 14-79** Achieve a balance between facilitating the provision of telecommunication infrastructure in the interests of social and economic progress and sustaining residential amenity and environmental quality.

**KCDP 14-80** Ensure that the location and provision of telecommunication infrastructure should minimise and/or mitigate any adverse impacts on communities, public rights of way and the natural environment.

5.1.3. **Volume Six - Development Management standards 1.14.1 Telecommunications**

In evaluating applications for telecommunications installations, the Council will have regard to 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities' (DoECLG, 1996) and Circular Letter PL07/12.

5.1.4. Section 1.14.1 Sets out the development management standards and guidelines for telecommunications.

5.1.5. The following shall be taken into account when preparing a planning application:

- Co-location of such facilities on the same mast or cabinets by different operators is favoured to discourage a proliferation, where possible. Where new facilities are proposed applicants will be required to satisfy the Council that they have made a reasonable effort to share facilities or to locate facilities in clusters.
- Every effort shall be made to locate telecommunication masts in non-scenic areas or in area where they are unlikely to intrude on the setting of, or views to/from national monuments, protected structures or sensitive streetscapes. The preferred location for telecommunication antennae is in industrial estates or areas zoned for industrial use or in areas already developed for utilities. In evaluating applications for telecommunications installations, the Council will have regard to "Telecommunications Antennae & Support Structures Guidelines for Planning Authorities" (1996), and Department Circular PSSP 07/12.
- In the event of the discontinuance of any mast installation the mast and its equipment shall be removed from the site and the land reinstated.
- All planning applications shall be required to furnish a statement of compliance with the International Radiation Protection Association (IRPA) Guidelines or the equivalent European Pre-Standard 50166-2 in the interest of health and safety.
- Every effort should be made to located new telecommunication masts in existing compounds or adjacent to existing masts.
- When locating on greenfield sites the mast should be away from existing residential properties.

- The preferred location for masts and antennae is in industrial estates, attached to industrial buildings or other commercial buildings.

#### 5.1.6. Objectives of relevance pertaining to Kerry Airport

**KCDP 14-22:** Protect and sustainably develop the County's principal transportation assets including ports, Kerry Airport and strategic road and rail corridors.

**KCDP 14-55:** Promote and support the provision of infrastructure and facilities at Kerry International Airport so that it can develop further and operate to its maximum potential, whilst taking into account the impact on local amenities.

**KCDP 14-58:** Support the expansion of Kerry Airport routes to international European Hub airports.

#### 5.2. **Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities (1996)**

The aim of the 1996 Guidelines is to provide relevant technical information in relation to these installations and to offer general guidance on planning issues so that the environmental impact is minimised, and a consistent approach is adopted by the various planning authorities in the preparation of their development plans and in the operation of development control.

Section 4.3 of the 1996 Guidelines refers to visual impact and states it is among the more important considerations which have to be taken into account in arriving at a decision on a particular application. It advises that great care will have to be taken when dealing with fragile or sensitive landscapes and that proximity to listed buildings (protected structures), archaeological sites and other monuments should be avoided. In most cases, the Guidelines acknowledge that the applicant will only have limited flexibility as regards selecting a location given the constraints arising from radio planning parameters. Visual impact will, by definition, vary with the general context of the proposed development.

#### 5.3. **Circular Letter PL07/12**

Circular Letter PL07/12 revised elements of the 1996 Guidelines under Section 2.2 to 2.7. It advises Planning Authorities to:



- Cease attaching time limiting conditions or issuing temporary durations to telecommunications masts, except in exceptional circumstances.
- Avoid including minimum separation distances between masts or schools and houses in Development Plans.
- Omit conditions on planning permissions requiring security in the form of a bond/cash deposit.
- Not include monitoring arrangements on health and safety or to determine planning applications on health grounds.
- Include waivers on future development contribution schemes for the provision of broadband infrastructure.

#### **5.4. Natural Heritage Designations**

Natural Heritage Area (NHA) Anna More Bog (Site Code 000333) approximately 2 kilometres northeast of the subject site.

Special Area of Conservation (SAC) Castlemaine Harbour SAC (Site Code 000343) approximately 5.6 km south of the subject site.

Special Protection Areas: Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (Site Code 004161) approximately 7.3 kilometres east of the subject site.

Special Area of Conservation: Slieve Mish Mountains SAC (002185) approximately 11 kilometres northwest of the subject site.

#### **5.5. Environmental Impact Assessment (EIA) Preliminary Screening**

The proposed development comprising the telecommunications structure does not constitute a project listed in Schedule 5, Part 1 or Part 2 of the Planning and Development Regulations 2001, as amended. As such, EIA screening is not required for this element of the project. Please see Form 1 attached.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third-party appeal has been received against the grant of permission; the submission can be summarised as follows:

#### Air Safety and impact on Kerry Airport

- Potential impacts on the operation and future expansion of the Airport.
- Safety concerns not adequately assessed by the planning authority in making their decision. Appropriate planning conditions have not been attached to the notification to grant permission to address the safety/operational concerns.
- Accepts that the development will not impact on Kerry Airport's current procedures, the Special Aeronautical Study confirms that the telecommunications mast will penetrate the 79metre Inner Horizontal surface limit by 43.65 metres. It has potential to prejudice future required changes to the airport's procedures.

#### Alternative sites

- The consideration of alternative site is limited to sites where there is an existing telecommunications monopole. Other sites that may be more suitable from an airport safety perspective have not been considered. Refers to an Appeal in Waterford ABP 312487 with respect to 'exhaustive consideration of alternative sites/monopoles'.

#### Lack of appropriate planning conditions

- Condition no. 2 does not meet the basic criteria for conditions set out in section 7.3 of the Development Management Guidelines (2007) of being necessary or reasonable. Any further telecommunications equipment should require separate planning permission and any application should be supported by a specific Aeronautical Study to confirm it would not impact Kerry Airport's operations.
- Proposed conditions.

1. An as-built survey shall be undertaken by a provider approved by the IAA of the completed development. The survey shall be completed and required data provided to Kerry Airport. Once agreed with Kerry Airport, it shall be submitted to the planning authority for written approval prior to operation of the telecommunications monopole. This is required to:
  - a. Confirm the development does not exceed the latitude limitations of 122.65 meters as per the Aeronautical study.
  - b. Ensure the obstacle is captured in the Electronic Terrain and Obstacle Data (eTOD) to ensure flight safety.
2. The antennas, dishes and mounting configuration all other equipment shall be in accordance with the details submitted with this application and, notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provisions amending or placing them, shall not be altered without a prior grant of planning permission.
3. The applicant should consult with the IAA as the competent authority for Aviation relating to the requirement for lighting of this obstacle. Noting the significant penetration of the Inner Horizontal Surface by the proposed mast, the mast should be fitted with a Type A/B, low intensity, Fixed Red obstacle lighting with a minimum output of 32 candelas should be provided and be visible from all directions of azimuth (omnidirectional). Lights should be operations H24/7. Any unserviceable lamp fittings should be replaced as soon as possible after failure, and in any event within 24 hours. Furthermore, the light fittings should emit light at the near Infra-Red (IR) range of the electromagnetic spectrum, specifically at or near 850 nanometres (nm) of wavelength. Light intensity to be of similar value to that emitted in the visible spectrum of light. As constructed coordinates in WGS84 format together with ground and tip height elevations of the mast utilising an approved aeronautical data provided as listed on the IAA website.
4. The applicant shall notify Kerry Airport of intention to commence construction with at least 30 days prior notification. This is a

requirement under S.I 215 of 2005 Irish Aviation Authority (Obstacles to Aircraft in Flight) Order.

## 6.2. Applicant Response

- Details submitted in respect to the justification for the site selection as a replacement of an existing installation at a location with an existing entrance and power supply, does not impact the airport operations and because of the lands topography the mast can secure the necessary target coverage with only 18m high monopole. To move to a different site could result in a taller mast possible encroaching the approach and take-off safety surface splays.
- The topography of the site rising to the south will provide a backdrop to the tower which is well below the peak of Currow Hill.
- Other planning application referenced at Waterford Airport ABP 312487 is not comparable with the subject application in that the planning authority recommended a refusal in the first instance and secondly the proposed structure was located within the approach and take off safety surface splays.
- Permission granted to Currow GAA Club 21230 for 6 no. floodlighting columns, three of those lighting columns closest to the runway limited to 15 metres in height and the remaining three at 18m in height (approximately 475 metres from the runway). The proposed telecommunications structure is 1.42km from the runway.
- Vantage Towers is prepared to accept a temporary grant of permission to allow for a reassessment against proposals of the airport at a later date. However, they stress that they consider that the appellant effectively accepts the proposed structure but acknowledges the stated wish to impose conditions.
- Planning authority notification to grant permission Condition no. 2 should remain as written. It should not be the concern of the airport which operator or equipment is fitted as long as the height restrictions are not breached. This point is also relevant to the appellants suggested condition no. 2 to limit

additional and/or replacement equipment. The usual planning exemption rules under Class 31 in respect of telecommunications should remain in place.

- In response to the appellant's suggested Condition no. 1. The applicant, Vantage Towers, states that they cannot rely on a third party to impose alternative developers. Vantage Towers will provide information to the airport through their own contractors. Kerry Airport can undertake their own survey to ensure there is no breach in the height requirements. Vantage Towers will assist Kerry Airport to ensure that have the necessary information required.
- Suggested appellant condition no. 3 accepted by Vantage Towers and suggested condition no. 4 is not a problem prior notification shall be submitted to Kerry Airport and the IAA with at least 30 days' notice.
- Note that Kerry Airport accept that the proposed structure will not impact the current operations at the airport and their main concern is regarding future development of the airport. The applicant argues that it is unlikely that the proposed telecommunications structure will impact the future airport operations given the hill behind the structure to the south and the houses, road network and GAA pitch with floodlights between the proposed structure and the runway.

### 6.3. Planning Authority Response

- None.

### 6.4. Observations

#### **Irish Aviation Authority**

Noting the significant penetration of the Inner Horizontal Surface by the proposed mast, if consent is to be granted by ABP/Kerry Co. Council, the following conditions recommended:

- the mast should be fitted with the Type A/B, low intensity, Fixed Red Obstacle lighting details of lighting specification and maintenance set out in the submission.

- the applicant shall provide as constructed coordinates in WGS84 format together with ground and tip height elevations of the mast utilising an approved aeronautical data provided as listed on the IAA website.
- developer to notify Kerry Airport of intention to commence construction with at least 30 days prior notification.

## 7.0 Assessment

7.1. The main planning considerations relevant to this appeal case are:

- Site Selection (alternatives considered and technical justification)
- Impact on Kerry Airport operations
- Appropriate Assessment

### 7.2. Site Selection (Alternatives Considered and Technical Justification)

7.2.1. The development management standards and guidelines for telecommunications are set out in Volume 6 section 1.14.1 of the development plan. These guidelines list the core considerations when preparing a planning application, as already detailed in section 5.1 of this report. These considerations provide a structure to my assessment of the site selection and alternatives, which I will assess in conjunction with the alternatives considered in the technical justification.

7.2.2. The target area for service improvement (the service blackspots) are identified in the submitted 'Technical Justification' as Currow, Tournalough, Parknasmuttane, Kerry Airport, Inchabee, Cohchill, Beheenagh, a small section of the N23, a section of the R561 and all surrounding businesses, farms and housing in its immediate environs. A list of all operators surrounding sites has been included in the technical justification report and notes the closest Vodafone site is at Currow 3.5km away and is discounted due to the site being too low and it doesn't have a line of sight from the target areas and, as such, is unable to provide adequate coverage. Following consideration of other sites, the justification concludes that the upgrading of the existing structure at Currow was selected as the best approach. Figure 2 'Technical Justification' report submitted illustrates the coverage prediction with the proposed 18m upgraded site.

- 7.2.3. The appellant highlights that the alternative locations have been limited to sites where there is an existing telecommunications structure, and no consideration has been given to other sites that may be more suitable from an airport safety perspective. Issues with respect to airport operations is addressed in section 7.3. I do not agree with the appellants that a broader scope for alternatives is required and I am of the opinion that the selection of a site based on locating adjacent to an existing mast location is reasonable and accords with the development management guidance provided in 1.14.1 of the development plan.
- 7.2.4. I note that the guidance places emphasis that every effort shall be made to locate telecommunication masts in non-scenic areas and the preferred location for masts and antenna is in industrial estates, attached to industrial building or other commercial buildings. The subject site is in a rural area, the lands are not zoned, and the site is within an area designated as Visually Sensitive Landscape. I acknowledge that selecting this site would run counter to the guidance to avoid scenic areas. Notwithstanding, I accept that the site has been selected as there is an existing telecommunication pole that would be removed and replaced by the subject telecommunications monopole, at a more southerly position upgradient from the existing structure. The existing 10m high telecommunications pole cannot be easily seen from many viewpoints and given its height it assimilates well into the mature trees bounding the subject site. The proposed 18m high telecommunications monopole with an additional 1 metre lighting finial (Total height of 19metres) is almost double the height of the existing structure. Furthermore, given the intention for this monopole to be shared with other operators, as recommended in the development plan guidance, the design accommodates a 'headframe' to allow for a number of antennas and dishes on the upper section which will certainly have a visual impact when compared with the existing structure. The existing trees will have limited screening benefits when viewing the structure on approach from the north although they would provide a 'soft' backdrop to the monopole and associated cabinets within the secured fenced off area. I note, however, that views from this aspect are limited, taking into account the alignment of the approach roadway to the east and the existing mature planting along the roadway acting as a visual buffer. Due to the topography of the area, particularly with the land rising towards Currow Hill to the south, and existing pattern of development including the farm complex

southwest of the subject site views will be largely restricted to the vicinity of the site with visibility reducing with distance.

- 7.2.5. A resident of the property across the road from the existing entrance to the site has raised concerns in their third-party observations to the application in respect to the potential negative visual impact of the proposed structure would devalue their property and they consider the proposed development would detract from the visual amenity of the area. The proposed structure (Ground elevation stated as 103.561 ASL) is sited lower than the roadway (contour map indicates 110m) which will reduce the visual impact from this viewpoint. In addition, the road boundary directly facing this property comprises mature trees and hedgerow which I am of the opinion will screen and soften any potential visual impact. Given the importance of the mature trees and hedgerows to the visual amenity of this area I am of the view that in the event of a grant of permission a condition should be attached to ensure measures are put in place to protect these landscape features from damage during construction works, to ensure the appropriate reinstatement of the landscape following removal of the existing telecommunications pole, and to make provision for additional planting. I highlight to the Board that details have not been provided in respect to design specification of the proposed 74 metre access route with vehicle turning area, I consider that these matters and planned management of surface water runoff could be addressed by condition.
- 7.2.6. The planner's report considers, in their assessment, that the proposed monopole structure would not create an unacceptable visual impact and would not significantly impact on residential amenities of properties in the vicinity. I would concur with the planner's assessment considering the topography of the lands and the existing screening provided by the mature trees and hedgerows. I am of the opinion, therefore, that the extent of the visual intrusion is not considered to be of such magnitude or that the existing visual amenities would be impacted to such a material degree as to adversely affect the amenities or character of the area as to warrant a refusal of permission.
- 7.2.7. Health implications of the proposed structure were also raised in the third-party observation, and I note that the applicant has not submitted a letter of compliance with the International Radiation Protection Association (IRPA) Guidelines as required by the current development plan (1.14.1 of Volume 6) however I do not consider its



omission to be fatal to the adequacy of the application. The Commission for Communications Regulations (ComReg) is the statutory body responsible for the regulation of radiation emissions. Compliance with emission limits is regulated nationally by the Commission and subject to a separate license. As such, health issues are not a matter for An Bord Pleanála in determining and deliberating on the application proposed. Regular measurements of emission levels are required to comply with International Radiation Protection Association and Guidelines. As such this is a matter for ComReg and not An Bord Pleanála. I also refer the Board to Circular PL07/12 which specifically states that Planning Authorities should be primarily concerned with the appropriate location and design of telecommunication structures and do not have the competence for health and safety matters in respect of telecommunications infrastructure. It notes that these are regulated by other codes and such matters should not be additionally regulated by the planning process.

### 7.3. Impact on Kerry Airport Operations

- 7.3.1. It is a development plan objective to protect and sustainably development the County's principal transportation assets including Kerry Airport (KCDP 14-22). The appellant, Kerry Airport, raise concerns that the proposed development has the potential to prejudice future required changes to the airport's procedures. It is stated that the permitted scheme has the potential to endanger the safe operation of the airport and the expansion opportunities of the airport in the future contrary to KCDP 14-22.
- 7.3.2. Both parties accept that the proposed development will penetrate Kerry Airport's Inner Horizontal Surface obstacle limitation surface (OLS) but will not pose a safety risk to the current flight procedures. The Special Aeronautical Study submitted as part of the further information response (30 May 2023) confirms that the proposed telecommunications monopole structure is not within the straight obstacle protection areas for the departures from any runway at Kerry Airport and following in-depth assessment on the identified approaches concludes the structure as not to be a safety risk to flight operations at Kerry Airport. The issue, therefore, is the potential impact on the safe operation, if procedure changes to the current are required, and/or the future expansion of the Airport.

- 7.3.3. The appellants have put forward a case at Ballygunner GAA Club in respect to Waterford Airport (ABP 312487-22) ('Waterford Airport case') to help demonstrate their points made with respect to the subject appeal and to present the Boards previous considerations in relation to telecommunications structures within the OLS. The applicant in their appeal response states that 'unlike the subject application the proposed structure was located within the approach and take-off surface splays. As a result, the two sites are not comparable'.
- 7.3.4. I have reviewed the Waterford Airport case and note that the same company ASAP (Aeronautical Service and Procedures) has carried out both Special Aeronautical Studies, in the subject application and the Waterford Airport case. I note Waterford Airport's objection emphasises that the proposed telecommunications monopole was positioned close to the extended centreline of the runway. For the Waterford Airport case the ASAP in-detail assessment of flight procedures issues applied two methods, namely the Obstacle Assessment Surfaces (OAS) and a Collision Risk Model (CRM). Whereas in the subject application ASAP only undertook an Obstacle Assessment Surfaces (OAS). This report clarifies that the '...assessment of the impact of the telecom tower on all ILS approaches at Kerry airport was done using the Obstacle Assessment Surfaces (OAS) as these surfaces were deemed sufficient in this case' (1.5.4). I accept, therefore, that the proposed location of the telecommunications monopole structure is not comparable with the Waterford Airport case. As stated before, both parties accept that the proposed development will penetrate Kerry Airport's Inner Horizontal Surface obstacle limitation surface (OLS) but will not pose a safety risk to the current flight procedures.
- 7.3.5. The applicant, accepting the concerns of Kerry Airport with respect to safe operation and future expansion is prepared to accept a temporary consent is granted allowing for a reassessment at the end of the temporary period. I note that Circular Letter PL07/12 advises planning authorities to cease attaching time limiting conditions or issuing temporary durations to telecommunications masts, except in exceptional circumstances. Given the exceptional circumstances of this particular site including the proposed penetration of the OLS and the concerns of Kerry Airport with respect to future operational requirements set against the development plan objective to protect and sustainably develop Kerry Airport as a principal transportation asset of

the County I consider that a condition limiting the permission for a temporary period would be appropriate in this instance.

7.3.6. The appellant has also raised concerns with respect to a lack of appropriate planning conditions being applied in the notification to grant permission by the planning authority. The appellant requests that condition no. 2 attached by the planning authority to the notification of the grant permission is removed or reworded to require an application to be made for any further telecommunications equipment to be attached to the monopole. The applicant in response sets out that due to the nature of telecommunications the equipment is continuously being upgraded, modernised and replaced. Furthermore, they state that all operators and service providers have to comply with ComReg requirements and therefore it should not be the concern of the airport which operator or equipment is fitted as long as the height restrictions are not breached. I would agree that to limit the telecommunications equipment to that shown on the application drawings would negate the opportunity for co-location as the structure has been design for. I do not agree with the appellant's points made in this regard and, noting that the development plan expressly states that co-location of such facilities on the same mast is favoured to discourage a proliferation where possible, I am of the view that condition no. 2 is reasonable.

7.3.7. The appellant has suggested an additional four conditions to be attached in the event of a grant of permission. The first condition, as suggested, requires an as built survey to be undertaken, by a provider approved by the IAA, of the completed development and this survey be provided to Kerry Airport. The reason for this condition is stated to confirm that the development does not exceed the altitude limitations of 122.65 metres as per the Aeronautical study and to ensure the obstacle is captured in the Electronic Terrain and Obstacle Data (eTOD). The applicant, in response, agrees to provide such information to the airport through their own contractors, stating that they use professional proficient developers and cannot rely on a third party to impose alternative developers. In respect to this issue, I note that the IAA in their observation have requested that a condition is attached for the developer to provide the as constructed coordinates in WGS84 format together with ground and tip height elevations of the mast, utilising an approved aeronautical data provider, as listed on the Irish Aviation Authority (IAA) website. I consider that such a

condition is reasonable in the interests of public safety and will address the concerns of Kerry Airport relating to the altitude limitations, see condition no. 7.

- 7.3.8. With respect to the suggested conditions by the appellant no. 3 lighting of the mast and no. 4 prior notification of intention to commence construction, I note observations received from the IAA and all recommended conditions to be attached if consent is to be granted, see conditions 6, 7 and 8. These conditions reflect and include the suggested conditions no. 3 and no. 4 of Kerry Airport.

#### 7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature, scale, and location of the proposed development and distance from the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### 8.0 **Recommendation**

- 8.1. Having regard to the topography of the land, the proposed removal of an existing telecommunications structure and replacement with a telecommunications monopole structure capable of co-location of such facilities I recommend that permission for the above-described development be granted for the following reasons and considerations subject to conditions.

### 9.0 **Reasons and Considerations**

Having regard to:

- (a) national policy regarding the provision of mobile communications services,
- (b) the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in July 1996, as updated by Circular Letter PL/07/12 issued by the Department of the Environment, Community and Local Government,
- (c) the policy of the planning authority, as set out in the Kerry County Development Plan 2022-2028, to support the provision of telecommunications infrastructure,

(d) the proposed removal of the existing telecommunications structure and the topography of the site particularly having regard to Currow Hill rising to the south of the subject site.

(d) the nature and scale of the proposed telecommunications monopole structure, and it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, or the residential amenities of the area and would not be contrary to the overall provisions of the current development plans for the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity</p>
2.	<p>This permission is for a temporary period of five years from the date of this order after which time the telecommunications structure and related ancillary structures including access track shall then be removed and the site shall be reinstated on removal of the structures unless, a separate grant of planning permission has first been obtained for the continuation of the use and maintenance of the associated structures.</p> <p><b>Reason:</b> To permit the planning authority to reassess the situation in light of the circumstances at this time.</p>
3.	<p>The developer shall provide and make available at reasonable terms the proposed telecommunications structure for the provision of</p>

	<p>telecommunications antenna of third-party licensed telecommunication operators.</p> <p><b>Reason:</b> In the interest of the avoidance of a multiplicity of telecommunications structures in the area, in the interest of visual amenity and the proper planning and sustainable development of the area.</p>
4.	<p>Before development commences on foot of this permission, details of the following matters:</p> <ul style="list-style-type: none"> <li>a) Details relating to the removal and reinstatement of the site at the existing 10m high wooden telecommunications pole,</li> <li>b) Details of the access track and surface water drainage arrangements, and</li> <li>c) Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing.</li> </ul> <p>shall be submitted to and agreed in writing with the planning authority and the development shall be carried out and completed in accordance with the details agreed.</p> <p><b>Reason:</b> In order to clarify the details of the development being permitted and in the interest of proper planning and sustainable development.</p>
5.	<ul style="list-style-type: none"> <li>a) The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</li> <li>b) The existing hedgerow and trees on the site shall be retained. Details of the measures to be put in place for their protection during the construction period shall be submitted to the planning authority for written agreement prior to commencement of development.</li> </ul> <p><b>Reason:</b> In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.</p>
6.	<ul style="list-style-type: none"> <li>(a) The telecommunications monopole structure shall be fitted with a Type A/B, low intensity, fixed red obstacle lighting with a minimum</li> </ul>

	<p>output of 32 candelas shall be provided and be visible from all directions of azimuth (omnidirectional). Lights shall be operational H24/7. Any unserviceable lamp fittings should be replaced as soon as possible after failure, and in any event within 24 hours.</p> <p>(b) The light fittings shall emit light at the near Infra-Red (IR) range of the electromagnetic spectrum, specifically at or near 850 nanometres (nm) of wavelength. Light intensity to be of similar value to that emitted in the visible spectrum of light.</p> <p><b>Reason:</b> In the interest of public safety.</p>
7.	<p>The developer shall provide the as constructed coordinates in WGS84 format together with ground and tip height elevations of the mast utilising an approved aeronautical data provider, as listed on the Irish Aviation Authority (IAA) website, to the IAA and a copy shall also be furnished to the planning authority.</p> <p><b>Reason:</b> In the interest of public safety.</p>
8.	<p>The developer shall notify in writing Kerry Airport and the Irish Aviation Authority (IAA) of intention to commence construction, with at least 30 days prior notification.</p> <p><b>Reason:</b> In the interests of orderly development.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Claire McVeigh  
Planning Inspector

7 March 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	317619-23		
<b>Proposed Development Summary</b>	To erect and 18m high telecommunications monopole structure and all associated site works.		
<b>Development Address</b>	Ranalough, Currow, Killarney. Co. Kerry.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	
		<b>No</b>	√
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	√		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>	√	N/A	No EIAR or Preliminary Examination required
<b>Yes</b>			Proceed to Q.4



**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_